

REMARKS

This Amendment is being filed in response to the Office Action dated September 18, 2007. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice.

By means of the present amendment, claims 1-9, 11-12 and 14-16 have been amended for non-statutory reasons, such as for better form including deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1-9, 11-12 and 14-16 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claim 16 is rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Without agreeing with the Examiner, and in the interest of furthering the prosecution and expediting allowance of the present

Application, claim 16 has been amended for better form that more clearly recites statutory subject matter. It is respectfully requested that the rejection of claim 16 under 35 U.S.C. §101 has been overcome and withdrawal of this rejection is respectfully requested.

In the Office Action, the Examiner indicated that claims 5-9 would be allowable if rewritten in independent form. In addition, claims 1-4 and 10-17 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0053412 (Yoshida). Applicant gratefully acknowledges the indication that claims 5-9 contain allowable subject matter. However, Applicant has not rewritten these claims in independent form, since it is believed that independent claims 1, 14, 16 and 18 as well as claims 2-4, 10-13, 15 and 19-22 are allowable over Yoshida for at least the following reasons.

Yoshida is directed to a receiver having four directional antennas. An antenna selection unit selects a directional antenna in such a manner that a Doppler shift that is caused by movement of the receiver will keep a constant sign that is positive or negative. As shown in FIGs 7 and 21, a fading-variation

calculation unit 18 calculates the average value of fading variation on each path of a multipath environment, and a fading-variation compensation unit 19 compensates the multipath fading variation based upon the average value. As described on page 5, paragraph [0061], the calculation unit 18 calculates the average amount of shift  $\Delta\theta$  in variation per symbol of multipath fading by calculating the correlation between a known pilot signal P and the receive signal. FIG 3, shows the known pilot signal P which is inserted between data symbols, as described page 4, paragraph [0053].

It is respectfully submitted that Yoshida does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 14, 16 and 18 which, amongst other patentable elements, recites (illustrative emphasis provided) :

obtaining from a first signal on the first receiving branch and a second signal on the second receiving branch a third signal representing an estimation of the spatial derivative of at least one receiving channel parameter, wherein the third signal is used to cancel or at least reduce signal distortions that occur due to time-variations of the receiving channel.

It is respectfully submitted that the Yoshida average amount of shift  $\Delta\theta$  does not represent an estimation of the spatial derivative of at least one receiving channel parameter. Assuming, arguendo, that the Yoshida shift  $\Delta\theta$  does represent an estimation of the spatial derivative, this Yoshida shift  $\Delta\theta$  is from a single channel, such as shown in FIG 3, namely, from the correlation between the known pilot signal P and the signal received on one receiving branch.

In stark contrast, the present invention as recited in independent claims 1, 14, 16 and 18 recite that the third signal is obtained from two receiving branches or antennas, or received at two positions differing in the direction of motion.

Accordingly, it is respectfully submitted that independent claims 1, 14, 16 and 18 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-13, 15 and 19-22 should also be allowed at least based on their dependence from amended independent claims 1, 14 and 18.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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